IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No 2458 of 2007

1. Sou.Chandrakala Shankarrao
Sawant and others ..Petitioners

vs.

1. Maruti, Mandir Devasthan
Hindu Dharmiya Sanstha ..Respondent

Shri A.B.Tajane for petitioners.
Shri S.K.Shinde for respondent.

CORAM: S.C.DHARMADHIARI J.
7th December,2007

P.C.

1. The petitioners are aggrieved by the fact that the preliminary issue of jurisdiction, according to them, stands concluded.

2. The preliminary issue of jurisdiction is raised on the basis that the Court fees paid are not proper. The same are inadequate and such Court fees having not been paid in full, the Court will have no jurisdiction to entertain and try the suit.

3. The present Court fees, according to them, are such as would make the suit claim beyond the pecuniary jurisdiction of the Civil Judge, Jr.Dn., Dindori. The said application is

rejected. That is how the present petition.

4. I am of the opinion that the issue is with regard to the pecuniary jurisdiction of the TrialCourt. The issue of jurisdiction having been squarely raised, the same will be required to be framed, however, its trial should be along with other issues. Therefore, the issue of jurisdiction in the facts of this case, need not be tried as a preliminary issue but together with other issues. Needless to state that the Trial Court will not be influenced by this tentative finding but shall decide the issue on the basis of the material placed and on merits so also in accordance with law. Petition is dismissed.

(S.C.DHARMADHIKARI J.)